IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE NINETEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 21232 of 2004

Between:

Kandati Usha, W/o. Late Kandati Krishnaiah,
r/o. Kottapalayam Village, Kota Mandal, Nellore District.

..... PETITIONER

AND

1 The District Collector, Nellore, Nellore District.
2 The Revenue Divisional Officer, Gudur, Nellore District.
3 The Mandal Revenue Officer, Kota Village & Mandal, Nellore District.
4 P. Laxminarayana Reddy, S/o. Venkata Subbareddy,
Kottapalayam Village, Kota Mandal, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or a direction particularly one in the nature of Writ of Mandamus, declaring the action of the Respondent No. 1 in directing the petitioner to submit a fresh application for allotment of any available vacant Government lands is arbitrary, un-reasonable and accordingly set aside the impugned Endorsement made in Rc.No. E3/3213/2004 dated 03-08-2004 and consequently directing the Respondents 1 to 3 not to interfere with the peaceful possession and enjoyment of the lands to an extent of Ac. 1.57 cents in Sy.No. Ac.465-1 and Ac. 1.27 cents in Sy.No. 833-3, totaling to Ac. 2.84 cents situated in Kottapatnam Village, Kota Mandal, Nellore District.

Counsel for the Petitioner:MR.G.TUHIN KUMAR
Counsel for the Respondents 1 to 3.: GP FOR REVENUE

The Court, at the stage of admission, made the following :

ORDER

The main grievance of the petitioner is that the first respondent, without there being any proper enquiry, issued the impugned endorsement dated 3.8.2004 stating that the lands in Sy.Nos.833-3 and 465-1 in Kottapatnam village, Kota Mandal, Nellore District, which were assigned to the husband of the petitioner, were occupied by some other persons and even they also alienated the said lands to some others. It is alleged that the impugned endorsement passed by the first respondent is at the instance of the fourth respondent, who is very much interested to grab the land in question.

Even if the impugned endorsement dated 3.3.2004 issued by the District Collector, Nellore-first respondent herein, is set aside, no relief can be granted to the petitioner. By the impugned endorsement, the first respondent has not adjudicated the rights of the either parties. As alleged by the petitioner, if her husband was assigned with any of the land and if the same is occupied by third parties, the proper remedy for the petitioner is either to move the Civil Court or can approach the Commissioner of Land Revenue for conducting an enquiry into the illegal encroachments by the fourth respondent, if any. In view of the same, the petitioner can avail the remedies available under law for due recovery of the land, which was alleged to be occupied by third parties.

Accordingly, the writ petition is disposed of granting liberty to the petitioner to avail either of the remedies as stated above. No costs.

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A. GOPAL REDDY. J.

19th November, 2004

tsr.

To

1 The District Collector, Nellore, Nellore District.
2 The Revenue Divisional Officer, Gudur, Nellore District.
3 The Mandal Revenue Officer, Kota Village & Mandal, Nellore District.
4. Two C.C.s to Government Pleader for Reenue, High Court Buildings, Hyderabad.(OUT)

5. Two C.D. copies.